REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application, in light of the following remarks, is respectfully requested.

By the present amendment, Claims 1, 43 and 46-50 have been amended. No new matter enters by this Amendment. Support for the amendments can be found, *inter alia*, at page 9, lines 5-14 and page 18, lines 17-18 of the specification as originally filed.

REJECTIONS OF CLAIMS 1, 4, 6 AND 43 UNDER 35 U.S.C. § 102(B)

Claims 1, 4, 6 and 43 stand rejected under 35 U.S.C. § 102(e) as purportedly being anticipated by U.S. Patent No. 5,891,668 (**Li et al.**). This rejection is respectfully traversed.

Upon entry of the above amendments, all claims pending and not withdrawn are directed to antibodies that are particularly characterized not only in that they bond to a polypeptide that comprises ubiquitination-regulating region of TSG101, but moreover, they specifically bind to an epitope in that region, in the first 250 amino acids of SEQ ID NO: 1. As acknowledged in the outstanding Office Action, **Li et al.** neither recognizes the presence of an ubiquitination-regulating domain in TSG101, nor suggests directing an antibody to an epitope that is found within that region, within the first 250 amino acids. Although the Examiner characterizes **Li et al.** as teaching the preparation of antibodies directed to TSG101, therefore binding to the same protein that is bound by the antibodies of the claims, upon entry of the above amendments, there

is no reason to expect that one of skill in the art, following the teaching of **Li et al.**, would prepare such an antibody that binds specifically to an epitope within that ubiquitination domain. Respectfully, Applicants submit that it is insufficient, to shoulder the burden of potential inherency, to point to the fact that Applicants' antibodies and the prior art are directed to the same protein, where Applicants' claims require that the antibody bind specifically to an epitope in a region of that protein which is not as recognized as of importance, or suggested, in the prior art. Accordingly, the rejection over **Li et al.** is respectfully traversed, and withdrawal is respectfully requested.

REJECTIONS OF CLAIMS 1, 4-6 , 43 AND 46-50 UNDER 35 U.S.C. § 102(B)

All claims pending and not withdrawn stand rejected as anticipated by U.S. Patent No. 5,892,016 (**Brie et al.**). This rejection is respectfully traversed.

The argument with respect to this prior art reference is identical to that advanced with respect to **Li et al.** above. Specifically, **Brie et al.** neither acknowledges the presence of an ubiquitination-regulating domain in TSG101, nor does it suggest that an epitope in the first 250 amino acids in that protein would be a beneficial binding site for an antibody. Typically, in order to generate an antibody which binds preferentially (specifically) to an epitope in a particular region, an antibody would have to be raised against a template that reflects at least a portion of that region. **Brie et al.** does not suggest the same.

The discussion in **Brie et al.** with regard to generation of antibodies spans column 17, lines 22-column 18, line 28. At no place in this discussion does **Brie et al.** suggest raising an antibody that against a template drawn from the first 250 amino acids of TSG101, or an antibody that binds to an epitope in that ubiquitination-regulation region. Accordingly, the reference fails to support a basis of rejecting the claims on inherency and withdrawal is respectfully requested.

REJECTIONS OF CLAIMS 20-26 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

It is the position of the Examiner that the application, taken as a whole, does not recognize, as inventive subject matter, an antibody drawn to the ubiquitination-regulating region of TSG101, which is limited to the first 250 amino acids of TSG101. While respectfully, Applicants submit that it is unarguably the case that reading the specification conveys to one of skill in the art the Applicants' recognition that the ubiquitination region can be found in the first 250 amino acids, and that an antibody drawn thereto may be therapeutically effective, the language in question has been amended, as unnecessary to define over the prior art. Specifically, as noted above, the claims are drawn to an antibody which binds to an epitope found in that range, something not taught by the prior art. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, as moot is respectfully requested.

Applicants appreciate the Examiner's indication, at page 8 of the outstanding Office Action, that all rejections, other than those discussed above, and all objections, have been withdrawn.

CONCLUSION

All outstanding issues have been resolved by amendment or otherwise overcome by argument. As the claims are in condition for allowance an early and favorable action thereon is respectfully requested. If the Examiner believes a telephone conference could advance prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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